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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/464,161	12/16/1999	SHINICHIRO GOMI	450100-02228	7195

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NEW YORK, NY 10151

EXAMINER

NGUYEN, KEVIN M

ART UNIT PAPER NUMBER

2674

DATE MAILED: 12/16/2004

24

Please find below and/or attached an Office communication concerning this application or proceeding.

DT

Office Action Summary

Application No.

09/464,161

Applicant(s)

GOMI ET AL.

Examiner

Kevin M. Nguyen

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 6-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/19/2004 has been entered. An action on the RCE follows:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall et al (US 5,489,923) in view Yamamoto et al (US 5,742,279), and further in view of Raviv et al (US 6,061,052).

As to claims 1, 4, 5 and 9, Marshall et al teaches an image processing apparatus associated with a method, and a computer-readable program medium, the apparatus comprising:

a capture device (14), a first image (22), a projector (17), a second image (21), a screen area (18), a bright point, a laser pointer (25) (see fig. 2, col. 5, lines 50-54).

Marshall et al teaches all of the claimed limitations of claims 1, 4, 5, 9, except for "extraction means for extracting the second image from the first image on the basis of image information captured by said capturing means."

However, Yamamoto et al teaches image extraction means 4 for extracting the second image (document No. 1) from the first image (document No. 2, see fig. 1, col. 8, lines 3-10) on the basis of image information captured by said capturing means (camera, col. 11, line 55-57).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide Marshall's image processing apparatus including the image extraction means 4 for extracting the second image (document No. 1) from the first image (document No. 2) on the basis of image information captured by said capturing means, in view of the teaching in the Yamamoto's reference because this would allow a user to directly conduct an operation and instructions on the display screen and an input screen as taught by Yamamoto et al (col. 2, lines 18-22).

Marshall and Yamamoto teach all of the claimed limitations of claims 1, 4, 5, 9, except for "a logical product of a first pixel value in a current field line and a second pixel value in one of an immediately preceding field and a third pixel value in an immediately subsequent field is obtained, and wherein the bright point is determined to exist only when both pixel values of adjacent field are on."

Raviv et al teaches a related apparatus comprising a binary code sequent "58B" consists of "11010" (a logical product, fig. 11A), a first pixel value addresses a current field line "1" after Y1 (fig. 11A), a second pixel value addresses a preceding field line "1"

before Y1 (fig. 11A). The center (immediate) of the field of view of the pointer (a third pixel value) is indicated as Y1 in Figs 11B (col. 5, lines 12-22).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Marshall's bright point including a binary code sequent "58B", a first pixel value addresses in a current field line "1" after Y1, a second pixel value addresses in a preceding field line "1" before Y1, the center of the field of view of the pointer is indicated as Y1 in Figs 11B, in view of the teaching in Raviv's reference because this would provide the precise position of the pointer as taught by Raviv (col. 5, lines 14-15).

As to claim 2, Marshall et al teaches position determination means compensates the position of the bright point on the second image (21) to determine the position of the bright point on the first image (22) (see fig. 2).

As to claim 3, Marshall et al teaches the second image (21) is taken by a flow pick up (14), and blinking-pattern detection means (25), the first image (22) (see fig. 2).

Response to Arguments

4. Applicant's arguments filed 04/19/2004 have been fully considered but they are not persuasive. Applicant argues features in the independent claims 1, 4, 5 and 9 that are newly recited. Thus, new grounds of rejection have been used. See above rejections. For these reasons, the rejections based on Marshall et al, Yamamoto et al, and Raviv et al have been maintained.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kevin M. Nguyen** whose telephone number is **703-305-6209**. The examiner can normally be reached on MON-THU from 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reached on **703-305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Kevin M. Nguyen
Patent Examiner
Art Unit 2674

KN
December 8, 2004


XIAO WU
PRIMARY EXAMINER